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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,690	08/25/2003	Kathryn Thompson	TH0600	3275

7590

01/03/2006

Ingrid McTaggart  
534 SE 58th Avenue  
Portland, OR 97215



EXAMINER
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WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/647,690

Applicant(s)

THOMPSON, KATHRYN

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-15, 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 11-14, 18-20 is/are rejected.
- 7) ☒ Claim(s) 7-10, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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This is an office action for serial number 10/647,690, entitled Artist's Easel, filed August 25, 2003.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following rejections are based on the subcombination of the easel alone.

Claims 12-14, 18, 19, and 20 are rejected under 35 U.S.C. 102(b) as anticipated by David 5,188,323 or, in the alternative, under 35 U.S.C. 103(a) as obvious over David 5,188,323. David discloses a vertical support member (Figure 2) including an interior cavity, a pulley system (figure 3), a horizontal support member (40), a pulley weight track (figure 7) and pulley weight (meaning "overpowering force"), pulley rollers (41 and 60), ceiling bracket (11), floor bracket (31), and brake bracket (36 and 35).

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Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohlfing 1,699,544 in view of David 5,188,323. Rohlfing discloses a vertical support means (41), a pulley weight track (between flanges of 41), a first and second pulley wheels tracks (outer surface of 41), a vertical translation means (90, 92, 83, and 89, see figure 2, 7, and 8) having a first and second pulley including rollers (90), weights (92), and wheels (69, 67), a horizontal support means (57 and 51), a floor bracket (33), a ceiling racket (47), a stabilizer plates (71), a brake bracket (near 76).

Claims 1, 2, 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolegian in view of Rohlfing 1,699,544, in further view of David 5,188,323 as discussed above. Tolegian discloses a vertical support means (18, 24, (part of 18 includes 28) and 10), a vertical translation means (36 and 37 and including 32 and 31), a horizontal support means (29 and 30), a first and second horizontal support members moved independently of one another (29 and 30), first and second wheels (32), a wheel track (28), a ceiling bracket (24), a floor bracket (12). Tolegian discloses all of the limitations of the claimed invention except for the first and second pulley. It would have been obvious to one having ordinary skill in the art to have made the vertical support members including first and

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second pulleys, stabilizer plates and the horizontal members extending into the vertical members as taught by Rohlfing for the purpose of providing a better means of moving the horizontal members up and down the vertical members resulting in a smooth transition between positions. David teaches that it is known to have pulley systems completely within cavity wherein horizontal supports extend and move along vertical supports via the pulley within the cavity of the vertical support. It would have been obvious to one having ordinary skill in the art to have modified Tolegian in view of Rohlfing to have included the pulley system completely within the hollow interior as taught by David for the purpose of preventing damage to the pulley system.

***Allowable Subject Matter***

The indicated allowability of claims 20 and 12-14 is withdrawn in view of the reference(s) to David. Rejections based on the newly cited reference(s) follow.

Claims 21 and 22 are allowed.

Claims 7-10, 15, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose a first and second brake clamps that surrounds said first and second vertical support members and said first and second stabilizer plates respectively; a first pulley assembly includes first and second wheels positioned on opposite sides of said first horizontal support member, and an axle extending through said first and second wheels and said first horizontal support member; a third and fourth pulley assembly; a rail sleeve slidably mounted on said first horizontal support member and securing a first edge of an artist work piece.

#### ***Response to Arguments***

Applicant's arguments filed October 14, 2005 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

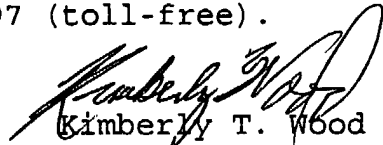
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

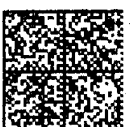
  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

December 27, 2005

Organization **IC 3600** Bldg./Room **KNOX**

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